

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael John Bui,

Case No. 21-CV-1156 (SRN/DTS)

Plaintiff,

v.

ORDER

The United States of America, et al.,

Defendants.

SUSAN RICHARD NELSON, United States District Judge.

This matter is before the Court on the application to proceed *in forma pauperis* (“IFP”) on appeal of plaintiff Michael John Bui. *See* Doc. No. 8. Although Bui qualifies financially for IFP status, an IFP application must be denied where the appeal for which IFP status is requested has been found to be not taken in good faith. *See* Fed. R. App. P. 24(a)(3); 28 U.S.C. § 1915(e)(2)(B)(i). To determine whether an appeal is taken in good faith, the Court must decide whether the claims to be decided on appeal are factually or legally frivolous. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). An appeal is frivolous, and therefore cannot be taken in good faith, “where it lacks an arguable basis in either law or in fact.” *Nietzke v. Williams*, 490 U.S. 319, 325 (1989).

The Court concludes that any appeal from the dismissal of this action lacks an arguable basis in law and would therefore be frivolous. Bui’s pleading not only failed to state a claim on which relief may be granted, but scarcely provided any indication of

what Bui believed to be in dispute in this litigation. The allegations in the pleading were wholly inadequate to put either the defendants or the Court on notice of the claims being raised. Because any appeal from the dismissal of this action would be frivolous, the IFP application is denied.

CONCLUSION

Based on the submissions and the entire file and proceedings herein, **IT IS HEREBY ORDERED** that the application to proceed *in forma pauperis* on appeal of plaintiff Michael John Bui [Doc. No. 8] is **DENIED**.

IT IS SO ORDERED.

Dated: May 20, 2021

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge